

policies that encourage it. What I don't believe is I don't believe that the Congress of the United States has any business whatsoever predeciding a court case, and when the Congress ahead of time tells the EEOC that they cannot even bring a suit, that means that Congress is substituting political judgment for legal judgment on an issue that ought to be decided in a court of law.

Congress has the right to pass legislation saying whatever it wants about immigration and about who is going to get Federal aid, things like that. But it is dead wrong, it is wrong morally, it is wrong constitutionally, for the Congress to prejudge what the outcome of a court case is going to be. And if they deny funds to the Equal Employment Opportunity Agency in this government, the agency that is supposed to enforce civil rights laws, if they deny funds to that agency on a hit-or-miss basis based on what can get a majority on this House floor, God help us all.

Mr. Chairman, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I do rise in support of the Stearns-Blackburn amendment to protest the actions of a rogue government agency that really is out of control, and I thank Mr. STEARNS for his good work and his good efforts on this with us.

The EEOC, as we have heard, it is taxpayer funded, and it is tasked with eradicating discrimination in the workplace. Now, unfortunately, the organization's actions are speaking louder than their words, and certainly they are not in step with the mission that they are instructed to meet. What we see is an agency that is waging war against private employers who have English-speaking policies and English-only language policies in their workplace and with their workforce.

Now, as my colleague from Florida has said, the situation we have discussed is in 2004, we had two employees from a Massachusetts Salvation Army Thrift Store. They were instructed to learn English within 1 year to comply with that organization's English-only language policy on the job. The employees refused to comply or even to make a good-faith effort. I think that everyone would like to see them make a good-faith effort to learn the language. And they were summarily dismissed in December of 2005. So they had that full year.

Interestingly enough, the two employees were able to navigate their way through the bureaucratic system and get the EEOC to file a discrimination lawsuit against the Salvation Army in April 2007, despite their limited command of the English language. The turn of events would be laughable if it were not true, and if the consequences were not as grave as they are.

Yet, in 2006 alone, roughly 200 charges were filed alleging discrimination due to English-language-only policies in different workplaces. This explosion of claims against workplace English is a 612 percent increase since 1996.

Mr. Chairman, I think that is one of the things that is of concern to us; 612 percent. That is the increase in these claims against American small businesses, against the businesses that are employing our citizens. We have gone from 32 cases in 1996 to 228 in 2002, according to the EEOC alone, and what we see is those misplaced priorities of the EEOC.

As my colleague previously mentioned, the U.S. Equal Employment Opportunity Commission has a backlog of 45,265 cases right now. They expect that that backlog will grow to 67,108 complaints in fiscal year 2008.

Mr. Chairman, it does not take an organizational genius to figure this out. What we see is people are not getting their workload done. What we see is the EEOC is putting their energy on something that they don't need to be putting it on, and they have those misplaced priorities, so therefore the items that they are supposed to be addressing in order to meet their mission are languishing in their in-box. They are never getting around to addressing those files. So those are continuing to pile up.

What we see is that they should be taking their resources; they have plenty of employees, they have plenty of funds. This is not an issue of them having more money or more resources. This is an issue of them putting their work and making their priorities where they need to be, of addressing these problems, kind of getting their nose to the grindstone, if you will, and getting in behind those cases and getting them done not over here suing U.S. small businesses that are employing our citizens, not over here suing the mom-and-pops who have the right, because they are signing the paycheck, they are paying the payroll taxes, they establish their workplace policies.

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And they have the right to say we would like you to learn English. We should be incentivizing them to insist on having those employees learn English so that they better communicate with their employer and so they know how to communicate and they are learning by that interaction with those customers.

We know so well, those of us who have so many small businesses in our districts, many of these small businesses see these people as true friends.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the policy that this amendment addresses is obviously authorizing the policy

that the EEOC has followed in this area through Democratic and Republican administrations. They have had a consistent position on the employer English-only policies throughout both Democratic and Republican administrations. This amendment would undermine that long standing policy. If the gentlelady and the gentleman want to change that, they ought to take it to the authorizing committee where they can have hearings and have a full-blown discussion, rather than trying to change this policy that has been in place for a long period of time, through both Democratic and Republican administrations. The amendment should be opposed.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in support of the Stearns amendment. In the interest of transparency, for a dozen years I was on the board of the Morristown Salvation Army in New Jersey, and anybody who has been associated with this organization knows that they work in the trenches for the poorest of the poor. They do a remarkable job, and they work with those that are English speakers as well as those who would not speak English.

It seems to me that the EEOC has been somewhat shopping for another venue here, while the Salvation Army, I think, is truly doing the Lord's work. And for them to expend, as apparently they have, tens of thousands of dollars in some sort of a lawsuit as a result of this EEOC litigation, I think quite honestly is an absolute travesty.

I am pleased to yield to the gentleman from Florida (Mr. STEARNS), the sponsor of the amendment, and I commend him and others for supporting this amendment.

Mr. STEARNS. I thank the distinguished chairman, and let me answer some of the criticism from that side of the aisle.

The gentleman from West Virginia (Mr. MOLLOHAN) talked about that this is not a recent problem, that all administrations before with regard to the EEOC have been following this pattern, and that is not true. The gentlelady from Tennessee pointed out there has been a 612 percent increase since 1996. In fact, there has been a large increase just recently. So this is not something that has been going on for the past 40 years; it is a more recent phenomenon.

So we here in Congress should realize that we have every right to prejudge. We have three equal branches of government. We have the executive, judicial and the legislative or Congress. We have the right to say to the EEOC, which is a government agency, the priorities you are establishing are wrong. I mean, as I pointed out earlier, this particular agency has a 54,000-case backlog, and it looks like it is going to